

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 5, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass, Commissioner Davis and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, Matt Price, John Barnett of Kroger, Pam Ferguson of WSWI, Jim Calvert of Olinger, Grant Monahan of IRC, Jerimi Ullom of Barnes & Thornburg and Debbie Scott of IABR were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the April 15, 2003 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the May 5, 2003 meeting, pending approval by the Commission. Motion seconded by Commissioner Davis and it was unanimously approved.

RR45-05401 NEW ORLEANS GRILL, INC. – Executive Secretary Webb stated this was a recommended denial of a transfer of ownership and location by the Lake County Local Board and an upholding of that denial by the Commission. The applicant filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, JC Buehler, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission. The applicant filed objections to the Findings.

Vice Chairperson Glass moved to uphold the Hearing Judge's recommendation to deny the transfers. Motion seconded by Commissioner Marks and it was unanimously approved.

DL45-82281 JASSY, INC. – Hearing Judge Webb stated this was a recommended denial of a renewal by the Lake County Local Board and an upholding of that denial by the Commission. The permittee filed a timely notice of appeal and the matter was set for

hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Davis moved to uphold the Hearing Judge's recommendation to reverse the local board and approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR49-15903 LVC CORPORATION – Hearing Judge Webb stated this was a recommended approval for a new Sunday sales permit by the Marion County Local Board and an upholding of that approval by the Commission. The remonstrator filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission. It was also noted that there was a question concerning footnote #1 of the Findings. The Hearing Judge stated that Marion County has more than one board and the local board member who remonstrated against this new Sunday permit was not a voting member of this particular board.

Commissioner Marks moved to uphold the Hearing Judge's recommendation to approve this new Sunday permit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

RC49-03167 HOTELMEN'S CLUB – Executive Secretary Webb stated this was a recommended denial of a renewal by the Marion County Local Board and an upholding of that denial by the Commission. The permittee filed a timely notice of appeal and the matter was set for hearing. The Hearing Judge, JC Buehler, now submits his Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission. The permittee filed objections to the Findings.

Vice Chairperson Glass moved to uphold the Hearing Judge's recommendation to deny the renewal. Motion seconded by Commissioner Davis and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Davis and it was unanimously approved.

Four hundred four (404) renewals approved, fifty-eight (58) new and/or transfer permits approved, sixteen (16) permits conditionally approved, twelve (12) permits approved for first year escrow, and six (6) permit approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

RR02-05524 B & T SPORTS, INC. – Vice Chairperson Glass noted this is a type 210 renewal and transfer of stock application with the local board voting four (4) to zero (0) to approve. Remonstrators appeared after the local board had voted on this matter; therefore, the Commission did not recognize the remonstrance.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal and transfer. Motion seconded by Commissioner Davis and it was unanimously approved.

DL34-20253 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove. The local board stated there was no need or desire by the neighborhood to have this permit.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL34-20256 CASEY'S ENTERPRISES, LLC - Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove. The local board stated there was no need or desire by the neighborhood to have this permit.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Davis and it was unanimously approved.

RR49-05386 THE LOUNGE, LLC – Vice Chairperson Glass noted this is a type 210 renewal application with the local board voting four (4) to zero (0) to approve. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

RR49-11398 TRI ENTERTAINMENT CORPORATION – Vice Chairperson Glass noted this is a type 210 renewal application and a new Sunday sales application with the local board voting three (3) to zero (0) to approve the renewal and voted three (3) to one (1) to approve the Sunday sales application. Remonstrators were present at the hearing.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the renewal and new Sunday application. Motion seconded by Commissioner Davis and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make eighteen (18) permits inactive. Sixteen (16) permits were not subject to auction and two (2) permit was subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

RR03-93042 ARNI'S, INC. – Chairperson DePrez stated this appeal will be assigned to a hearing officer.

OLD BUSINESS

No Old Business.

NEW BUSINESS

TECHPOINT MIRA AWARDS GALA – Techpoint would like to serve donated alcoholic beverages at their Mira Awards Gala.

JUVENILE DIABETES RESEARCH FOUNDATION GALA – Juvenile Diabetes Research Foundation would like to serve donated alcoholic beverages at their Gala.

ANNUAL CELEBRITY GOLF CLASSIC TO BENEFIT JUVENILE DIABETES – The Golf Classic would like to serve donated alcoholic beverages at their Annual Celebrity Golf Classic.

Commissioner Davis moved to approve these requests. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing under advisement.

ANNOUNCEMENTS

NEW LEGISLATION – Chairperson DePrez stated that new legislation concerning the Commission was passed by the General Assembly during this session. The Governor has not signed this legislation yet, however, she wanted to make the industry aware of the changes.

All businesses selling tobacco products will be required to purchase a Tobacco Certificate. The cost is \$50.00.

Employee permit fees will be \$30.00 for two years.

Businesses that would like to cater will have to purchase a catering permit for \$150.00.

Information will be forthcoming from the Commission concerning these changes.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER